UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,399	05/25/2001	Ronen Ingbir	2416/2	1188

7590 04/22/2004

DR. MARK FRIEDMAN LTD
C/O BILL POLKINGHORN-DISCOVERY DISPATCH
9003 FLORIN WAY
UPP MARLBORO, MD 20772

EXAMINER	
PHU, SANH D	

ART UNIT	PAPER NUMBER
2682	6

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,399	INGBIR, RONEN	
	Examiner	Art Unit	
	Sanh D Phu	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-8 and 12-17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12-15 U.S. Patent No. US 6,377,824. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 12-15 of the

U.S. Patent No. US 6,377,824 encompass claims 1-8 and 12-17 of the present application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ingbir et al (6,377,824).

Regarding to claim 1, see Fig. 3, 4, 5 and 6, Ingbir et al disclose that a system to reduce radiation exposure to a user of a transmission device, the system comprising:

the transmission device (see col. 3, line 65 to col. 4, line 4);

at least one conversion device connectable to the transmission device, wherein each of said at least one conversion device is capable of converting a signal of a first type to a signal of a second type, said at least one conversion device being further connectable to at least one item selected from the group consisting of an electrical microphone, an electrical earphone, an acoustical microphone and an acoustical earphone (see col. 6, lines 21-26); and

an electrical coupler attachable to the transmission device said electrical coupler being electrically coupled to at least one item selected from the group consisting of said conversion device and said electrical microphone (see col. 6, lines 21-29).

Regarding to claim 2, Ingbir et al disclose that the system comprising:

a first conversion device being electrically coupled to said electrical wire, said electrical wire being electrically coupled to said electrical coupler, said electrical coupler being electrically coupled to said transmission device (see Fig. 5, col. 4, lines 27-36).

a second conversion device being electrically coupled to said electrical wire, said electrical wire being electrically coupled to said electrical microphone (see Fig. 5, col. 4, lines 27-36).

a third conversion device being electrically coupled to said electrical wire, said electrical wire being electrically coupled to said electrical earphone (see Fig. 5, col. 4, lines 27-36).

Regarding to claim 3, Ingbir et al disclose that the system wherein said first conversion device is attached to or integrally formed with the transmission device (see col. 3, line 65 to col. 4, line 4).

Regarding to claim 4, Ingbir et al disclose that the system wherein a signal of a first type and a signal of a second type are each independently selected from the group consisting of an electric signal, an acoustical signal and an electromagnetic signal (see col. 4, lines 55-61).

Regarding to claim 5, Ingbir et al disclose that the system wherein at least one item selected from the group consisting of said electrical coupler and said at least one conversion device are attached to or integrally formed with the transmission device (see Fig. 5, col. 4, lines 27-36).

Regarding to claim 6, Ingbir et al disclose that the system wherein said acoustical signal is conveyed by at least one acoustical tube (see Fig. 5, col. 4, lines 27-45).

Regarding to claim 7, Ingbir et al disclose that the system wherein said acoustical signal travels in a first direction via a first acoustical tube, and travels in a second direction via a second acoustical tube (see Fig. 5, col. 4, lines 27-45).

Regarding to claim 8, Ingbir et al disclose that the system wherein said first and second acoustical tubes are assembled in any way selected from the group consisting of:

connecting said tubes to one another (see col. 4, lines 43-45); and

making said tubes concentric (see Fig. 10, col. 4, lines 43-45) .

Regarding to claim 9, Ingbir et al disclose a conversion device for converting signals, the conversion device comprising a transducer (see col. 4, lines 55-58).

Regarding to claim 10, the conversion device wherein said signal of a first type and said signal of a second type are each independently selected from the

group consisting of an electric signal, an acoustical signal and an electromagnetic signal (see col. 4, lines 55-61).

Regarding to claim 11, Ingbir et al disclose that the conversion device further comprises at least one additional components selected from the group consisting of an encryption device, a decoder, an amplifier circuit, a filter circuit, an internal power supply, a micro controller, a wireless transceiver, a device for sending a signal to any entrance or any exit of the conversion device, a device for changing a signal to any entrance or any exit of the conversion device and a device that can control transmission of any signal to any entrance and any exit of the conversion device (see col. 4, line 55 to col. 5, line 11).

Regarding to claim 12, Ingbir et al disclose that a method for reducing radiation exposure to a user of a transmission device, the method comprising the steps of:

providing at least one conversion device connectable to the transmission device and capable of converting a signal of a first type to a signal of a second type (see col. 6, lines 21-29);

connecting said at least one conversion device to the transmission device

(see col. 6, lines 21-29);

further connecting said at least one conversion device to at least one item selected from the group consisting of an electrical microphone, an electrical earphone, an acoustical microphone and an acoustical earphone (see col. 6, lines 21-29); and

further connecting an electrical coupler to the transmission device, wherein said electrical coupler is electrically coupled to at least one item selected from the group consisting of said conversion device and an electrical microphone (see col. 6, lines 21-34).

Regarding to claim 13, Ingbir et al disclose that the method wherein said signal of a first type and said signal of a second type are each independently selected from the group consisting of an electric signal, an acoustical signal and an electromagnetic signal (see col. 4, lines 55-61).

Regarding to claim 14, Ingbir et al disclose that the method comprises the additional step of attaching to or integrally forming with the transmission device at least one item selected from the group consisting of said electrical

coupler and said at least one conversion device (see col. 3, line 65 to col. 4, line 4 and col. 4, lines 27-36).

Regarding to claim 15, Ingbir et al disclose the method comprising the additional step of conveying said acoustical signal by an acoustical tube (see Fig. 5, col. 4, lines 27-45).

Regarding to claim 16, Ingbir et al disclose the method wherein conveying of said acoustical signal in a first direction occurs in a first acoustical tube, and conveying of said acoustical signal in a second direction occurs in a second acoustical tube. (See Fig. 5, col. 4, lines 27-45)

Regarding to claim 17, Ingbir et al disclose that the method comprises the additional step of connecting said tubes in a way such that they will be in a configuration selected from the group consisting of:

tubes that are connected to one another (see col. 4, lines 43-45); and

concentric tubes (see Fig. 10, col. 4, lines 43-45).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600